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REMARKS

Applicant thanks the Examiner for the interview courteously granted the undersigned on November 3, 2005. The three references that had been applied by the Examiner in the § 102 rejection were discussed in the context of claim 1. Although no agreement was reached, it was indicated that the Examiner might be receptive to amended claims wherein the container was more fully described as being of uniform circular cross section except for the recessed front surface or wall. Amendments to claims 1, 3, 8, 16 and 24 were proposed in an amendment; however, the Examiner refused to enter the amendment as raising new issues and cited U.S. Patent No. 6,576,193 to Cui et al. as exemplary of additional prior art that should be considered. An R.C.E. is being filed, and consideration of these claims which contain further amendments is requested.

Claim 1 defines an invention that would not be anticipated by the disclosure of either WO 97/33519 (hereinafter WO '97) or U.S. Patent No. 5,916,815 to Lappe (hereinafter Lappe). As pointed out on page 9 of the last amendment that was entered, both WO '97 and Lappe disclose the use of a cup or container, the body of which is a right circular cylinder. Thus, it should be clear that neither of these discloses a container of uniform circular cross section except for a recessed flat front wall which has an integral interior receptacle that positions a cassette in its interior with the cassette front surface located near the interior surface of said flat front wall.

Amended claim 1 is likewise not anticipated by U.S. Patent No. 6,342,183 to Lappe et al. (hereinafter Lappe et al.). Lappe et al. discloses a container of irregular cross section which does not support a cassette at all in its interior. Test strips are located in a compartment which is part of the top cap of the device, as pointed out on page 10 of the last amendment. Except for the incidental inclusion of a pair of opposed knurled surfaces that serve as fingergrips, Lappe et al. really has no relevancy to the claimed invention.

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U.S. Patent No. 6,576,193 to which attention was called by the Examiner in the Advisory Action mailed November 23, 2005, issued upon an application filed on October 27, 2000. It is pointed out that Applicant's application was filed on May 22, 2000, some five months earlier; accordingly, this patent would not be prior art against Applicant's claimed invention. The U.S. patent documents and the one published PCT application listed on this document were quickly reviewed, and Applicant submits that none of them contains disclosure that would anticipate claim 1 as presently amended, nor would claim 1 be obvious in view thereof.

Neither amended claim 1 nor amended claim 3 would be obvious in view of the disclosures of WO '97 or Lappe in view of Lappe et al. As pointed out on pages 12 and 15 of the last amendment, there is absolutely no motivation that would cause one to incorporate one-half of the pair of knurled fingergrasp surfaces into the right circular cylindrical containers of either WO '97 or Lappe. Accordingly, there is no prima facie case of obviousness, and this hindsight combination simply cannot stand scrutiny.

U.S. Patent No. 5,119,830 to Davis (hereinafter Davis) similarly shows a container of circular cross section throughout its height. Thus, it is no more pertinent than WO '97 or Lappe, so that the arguments set forth above with respect to these two references apply equally to Davis.

The language specified above, to which attention has been called in respect of independent claims 1 and 3, has been similarly added to independent claim 16 and to independent claim 24. Accordingly, it is submitted that, for the reasons set forth hereinbefore, these two independent claims should be likewise allowable.

Additional amendments have been made in this paper to the claims that were earlier proposed in the Amendment that was not entered so as to hopefully recite substantially all aspects of the relatively simple device that is depicted in FIGS. 1, 2 and 3 of the drawings. More specifically, as in claim 1, it is now recited in these claims that the container has means

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integrated with its interior surface to provide a receptacle located adjacent the interior surface of the recessed flat front wall of the transparent container that is otherwise of uniform circular cross-section, and also that the cassette is slidably received within this receptacle so that its substantially flat front surface is located near the transparent flat front wall of the container. Moreover, it is specified that the window in the flat front surface of the cassette (that is aligned with the test strip) necessarily faces the flat front wall of said container so that the test strip can be easily viewed through said window and through said flat transparent front wall of the container while said cassette is disposed within the container in contact with the specimen. Support in the disclosure for the added recitation that the container is constructed of a transparent material is found at page 5, lines 19-20 of the description.

In view of the foregoing amendments and remarks, reconsideration of the rejection of independent claims 1, 3, 16 and 24 and allowance of these claims, together with dependent claims 2, 4-8, 11-12, 17, 19-23, 25 and 26, are respectfully requested. It is believed that this amendment should place this application in condition for allowance, and issuance of a Notice of Allowance is courteously solicited. Should the Examiner be of the opinion that any deterrent to allowance remains, he is courteously invited to telephone the undersigned.

Respectfully submitted,

Fitch, Even, Tabin & Flannery

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By: 

James J. Schumann
Reg. No. 20,856

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603
Direct telephone inquiries to:
James J. Schumann
(858) 552-1311
San Diego, California Office of
FITCH, EVEN, TABIN & FLANNERY

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